

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY K. SKILLING,

Defendant.

Crim. No. H-04-25 (Lake, J.)

~~PROPOSED~~ ORDER

Having considered Jeffrey Skilling's Final Unopposed Motion To Further Extend The Time Limit For Filing His Motion For A New Trial Based On Newly Discovered Evidence, it is hereby ORDERED that: Defendant Jeffrey Skilling shall file any motion for a new trial pursuant to Federal Rule of Criminal Procedure 33(b)(1) no later than November 17, 2009. The United States shall file its response to Skilling's motion, if any, no later than January 22, 2010. Skilling shall file any reply to the United States' response no later than February 19, 2010. This schedule, which further extends the time to file a Rule 33 motion beyond the limits set forth in Federal Rule of Criminal Procedure 33(b)(1), and the limits set forth in the Court's prior scheduling orders, is ordered under authority of Federal Rule of Criminal Procedure 45(b)(1), and based on the United States' explicit waiver of any objection to a time frame exceeding the time limits set forth in Federal Rule of Criminal Procedure 33(b)(1). Given these extensions and the parties' agreement on these matters, Mr. Skilling's Rule 33 motion will not be construed as a petition pursuant to 28 U.S.C. § 2255. SIGNED on the 29th day of Sept, 2009.


SIM LAKE
UNITED STATES DISTRICT JUDGE